IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7016 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-
and
Hon'ble MR.JUSTICE N.G.NANDI sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMZANALI JUMMA MOLU

Versus

SPECIAL LAND ACCQUISTION OFFICER

Appearance:

1. Special Civil Application No. 7016 of 1996

MR MK VAKHARIA for Petitioner No. 1

MR LR POOJARI, A.G.P. for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 21/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

On 7.1.2002 learned Counsel Shri Mehul Vakharia for the petitioner submitted that the land of the present petitioner which was sought to be acquired for the purpose of constructing the Court building at Mundra was no more required because the respondent State had acquired another land and also taken possession of it for the purpose of cosntructing the Court building and in fact the Court has already started functioning on that land. However, he was not sure, therefore, learned A.G.P. Shri Poojari for the respondent - State was directed to inquire into the matter and make a definite statement before this Court. Simultaneously the Registrar of this Court was also directed to inquire and make a definite statement in the matter about the present positition of the Court premises at Mundra and the matter was kept today.

2. In pursuance of the aforesaid order and direction the Officer on Special Duty of this Court submitted his Report dated 19.1.2002 wherein it is stated that...

"the District Judge, Kachchh at Bhuj, vide his letter dated 30.3.1995, requested the collector, Bhuj, to acquire 3600 sq.mtrs. of private suitable land bearing Survey No.91 or Survey No.95 for construction of new court building and residential quarters for the Judicial Officers at Mundra. In response thereto, the Collector, Bhuj, issued a Notification, for acquiring the aforesaid land of Survey No.91, under Section 6 of the Land Acquisition Act, for the work, in question. The said Notification was published in the Government Gazette, Supplement to the Central Gazette and Central Section-Part-1B, 28.9.95.

Thereafter, corrspondence were going on with the Collector and the District Judge, Kachchh. Ultimately, as reported by the District Judge, Kachchh at Bhuj, vide his letter dated 1.10.2000 the land for the construction of new Court building and a residential quarter for the judicial Officer at Mundra, has been allotted by the Collector, Kachchh at Bhuj, situated at Mundra from Revenue Survey No.88/2, City Survey No.2920, admeasuring 3600 sq.mtrs. On allotment of said land, he had directed the Civil Judge (J.D.) & J.M.F.C., Mundra, for taking the possession of land in question. Accordingly, the Civil Judge (J.D.) & J.M.F.C., Mundra has taken

the possession of the said land of Survey No.88/2, for the purpose of construction of Court building and residential quarter of Judicial Officer at Mundra. Thereafter, the District Judge, Bhuj, has requested the Executive Engineer concerned, to prepare the plans and estimates for the work in question. Accordingly, the Executive Engineer, R & B Division, Bhuj, had by his letter dated 12.6.2000, submitted the plans and estimates amounting to Rs.62,98,100/- for the construction of new Court building at Mundra, directly, to the Superintending Engineer, R & B Circle No.2, Ahmedabad, for inclusion of the said work in budget. Moreover, on receipt of the plans and estimates from the District Judge, Kachchh at Bhuj, this High Court has also under its letter dated 24.09.2001, forwarded the copy of the estimates for the construction of new Court building at Mundra, to the Government in Legal Department, requested them to move the Government on priority basis for according administrative approval and for making necessary provisions in the budget.

As per telephonic information received from Mr.Jani, the Incharge Registrar, District Court, Bhuj, at present, the Court at Mundra is functioning in pre-fabricated structure on the land bearing Revenue Survey No.88/2, wherein the Court building at Mundra is to be constructed."

3. It is unfortunate that though we directed Mr.Poojari to take instruction in the matter from the concerned officer of the State Government he has no received any information so far inspite of sending two reminders by way of telegrams. However, having gone through the aforesaid report Mr.Poojari was unable to dispute the same.

4. In view of the above this petition does not survive any more and accordingly it is disposed of. Rule discharge. No order as to costs.

sd/-

(B.J.Shethna, J.)

Date : January 21, 2002 sd/-

(N. G. Nandi, J.)

sas